

# **Complaint Exhibit C**



TRANSMITTED VIA EMAIL

Patrick.mcmullen@sparacinopllc.com

JUL 10 2019

Mr. Patrick McMullen  
Partner  
Sparacino PLLC  
1920 L Street, NW  
Suite 535  
Washington, DC 20036

Re: A-00006-19 – Appeal of F-00015-19

Dear Mr. McMullen:

This letter is in response to your May 14, 2019, Freedom of Information Act (FOIA) appeal to the U.S. Agency for International Development (USAID). The issue at appeal is that your colleague Mr. Dustin Lee's request has not been processed and is over the 20-day timeframe established by the FOIA, 5 U.S.C. §552.

USAID regulations provide for an administrative appeal to the FOIA Appeals Officer only after there has been an adverse determination by USAID. See 22 C.F.R. § 212.11(a). The appellant has 90 calendar days from notification of the adverse determination to submit an administrative appeal. See 22 C.F.R. § 212.11(b).

Upon review of the administrative record for FOIA F-00015-19, there has been no adverse determination. Therefore, there is no action for this office to consider on appeal.

Kindly be advised that FOIA request F-00015-19 is still being processed. The estimated completion date for a final response to Mr. Lee is July 19, 2019.

As part of the FOIA Improvement Act of 2016, you may contact USAID's FOIA Public Liaison Officer, Christopher Colbow, to discuss this determination at [foia@usaid.gov](mailto:foia@usaid.gov). In the alternative, you may contact the Office of Government Information Services (OGIS). OGIS was

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created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways: Office of Government Information Services; National Archives and Records Administration, Room 2510; 8601 Adelphi Road; College Park, MD 20740-6001; e-mail [ogis@nara.gov](mailto:ogis@nara.gov); phone (301) 837-1996; Fax (301) 837-0348; Toll-free 1-877-684-6448.

This constitutes USAID's final decision in this matter. Pursuant to 5 U.S.C. § 552(a)(4)(B), you are entitled to seek judicial review of this decision in the appropriate United States District Court.

Sincerely,



Thomas Hand  
FOIA Appeals Officer  
Director  
Bureau for Management  
Office of Management Services